IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 20TH SEPTEMBER 2007 / 29TH BHADRA 1929

CRP.No. 1378 of 2002()

ORDER IN I.A.2368/2000 IN OS.138/1997 of ADDL.M.C.,KOZHIKODE-I

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REVN. PETITIONER: 1ST RESPONDENT

P.M.PARTHAKUMAR, S/O.P.M.KUTTY,
KACHERI AMSOM AND DESOM,
KOZHIKODE TALUK.

BY ADV. SMT.SUMATHY DANDAPANI

RESPONDENTS: PETITIONERS & RESPONDENTS 2 TO 9

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1. VENUGOPALAN, S/O.VELU,
NAGARAM AMSOM AND DESOM OF KOZHIKODE TALUK.

2. AJITH VISWANATH, RESIDING AT DEEPTHI,
PARAYANCHERI DESOM OF KOZHIKODE TALUK.

3. ABDUL JALEEL, KULANGARA POYILIL,
THALAKULATHUR AMSOM AND DESOM OF KOZHIKODE
TALUK.

4. ABDURAHIMAN, RESIDING AT MUBEENA
HOUSE, -DO- -DO-
P.M.SIVANANTHAN (DIED)

5. P.M.ARAVINDAKSHAN, S/O.P.M.KUTTY,
HOUSE NO.2/943 B, 'AMMA', EAST NADAKAVU,
ERAMHIPALAM, KACHERI AMSOM, DESOM,
KOZHIKODE.

6. P.M.PUSHPARAJAN, S/O.P.M.KUTTY,
THOTTILADATH HOUSE, WEST NADAKKAVU,
P.M.KUTTY ROAD, KACHERI AMSOM, DESOM.

7. P.M.PREMARAJAN, S/O.P.M.KUTTY,
VICTORYVILLA, EAST NADAKKAVU,
KACHERI AMSOM, DESOM, KOZHIKODE.

8. V.T.PADMINI, SREEDHARAN, D/O.P.M.KUTTY,
VALAPPIL HOUSE, ASHOKPURAM,
KALATHINKUNNU AMSOM, DESOM.

9. P.V.HEMALATHA CHANDRAN, D/O.P.M.KUTTY,
W/O.P.V.CHANDRAN, "KERALAKALA",
AZHCHAVATTOM P.O., KOZHIKODE.

10. K.P.SYAMALA SIVANANDHAN, W/O.
P.M.SIVANANDHAN, P.M.HOUSE, HOUSE NO.5/1659,
KALATHINKUNNU AMSOM, DESOM, KOZHIKODE.

11. P.M.SYAMANADH, S/O.
LATE P.M.SIVANANDHAN, P.M.HOUSE,
HOUSE NO.5/1659,KALATHINKUNNU AMSOM, DESOM,
KOZHIKODE.

12. P.M.BIJUNADH, S/O.
LATE P.M.SIVANANDHAN, P.M.HOUSE,
HOUSE NO.5/1659, KALATHINKUNNU AMSOM
DESOM, KOZHIKODE.

BY ADV. SRI.BOBY MATHEW
SMT.K.MEERA

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 20/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CMP NO.3475 OF 2002 IN C.R.P.NO.1378 OF 2002

DISMISSED

20.9.2007 SD/- PIUS C.KURIAKOSE, JUDGE.

PIUS C. KURIAKOSE,J.

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C.R.P. No.1378 of 2002

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Dated: 20th September, 2007

ORDER

Even though learned counsel for the petitioner had addressed me very strenuously on the various grounds raised, I am not inclined to accept his argument that the impugned order is vitiated to the extent of warranting correction under Section 115 of the C.P.C. Obviously no counter evidence at all was adduced by the petitioner to P.W.1's evidence. Of course, there was something strange about the respondents' going to a doctor stationed far away from the city in spite of the excruciating pain which he was allegedly suffering from. But I find that this aspect of the matter is not seen asked in cross-examination. Under these circumstances, the challenge against the impugned order fails. The C.R.P. will stand dismissed. No costs.

srd **PIUS C.KURIAKOSE, JUDGE**